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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,813	09/30/1999	KLAUS BUCHENRIEDER	P99.1885	5914

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EXAMINER

MIRZA, ADNAN M

ART UNIT PAPER NUMBER

2152

DATE MAILED: 07/03/2002

#12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/409,813

Applicant(s)

BUCHENRIEDER ET AL.

Examiner

Adnan M Mirza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 4 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's election with traverse of 1-3 in Paper No. 10 is acknowledged. The traversal is on the ground(s) that applicant requested reconsideration. This is not found persuasive because claim 4 requires search in separate class and will not be considered.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1-3 Rejections:

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claim1 rejected under 35 U.S.C. 102(e) as being unpatentable by Nelson et al (U.S. 5,812,857).

As per claim 1 Nelson disclosed a method for operating a first computer that is connected to a network, the method comprising the steps of: loading first configuration data for a first task, allocated to the first computer (col. 3, lines 21-39), into the first computer via the network wherein the loading is initiated either independently or in response to a specific request (col. 4, lines 41-50); configuring the hardware of the first computer corresponding to the first

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configuration data (Fig. 4, element 41, col. 5, lines 1-28), and processing the first task with the first computer configured with the first configuration data (col. 5, lines 25-45).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1-3 rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al (U.S. 6,012,088) and in view of Tang et al (U.S. 6,298,370).

As per claim 1 Li disclosed a method for operating a first computer that is connected to a network, the method comprising the steps of: loading first configuration data for a first task, allocated to the first computer (col. 9, lines 13-25), into the first computer via the network wherein the loading is initiated either independently or in response to a specific request (col. 9, lines 26-32 & lines 50-59); configuring the hardware of the first computer corresponding to the first configuration data (col. 12, lines 44-48 & col. 3, lines 54-61).

However Li failed to disclose processing the first task with the first computer configured with the first configuration data. In the same field of endeavor Tang disclosed processing the first task with the first computer with the first configuration data (col. 3, lines 35-50).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated processing the first task with the first computer configured with the first configuration data as taught by Tang in the method of Li to reduce the latency by doing multitasking.

6. As per claim 2 Tang disclosed A method for operating a first computer as claimed in claim 1 further comprising the step of: configuring, prior to completion of the step of processing the first task, a part of the hardware of the first computer that is no longer necessary for the step of processing the first task (col. 24, lines 54-61), for processing a second task by loading second configuration data allocated to the second task into the first computer via the network (col. 128, lines 34-64).

7. As per claim 3 Tang disclosed a method further comprising the step of processing the second task prior to the completion of the step of processing the first task (col. 128, lines 34-64).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Martin et al (U.S. 5,867,706) discloses the name convention of the resources over the network.

9. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.

10. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703)-305-4815. The fax for this group is (703)-746-7239.

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11. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"),

(703)-746-7238 (For After Final Communications).

12. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks Washington, D.C.20231

Or faxed to:

Hand-delivered responses should be brought to 4th Floor Receptionist, Crystal Park II,
2021 Crystal Drive, Arlington, VA 22202.

AM

Adnan Mirza

Examiner

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MEHMET B. GECKIL
PRIMARY EXAMINER

Mehmet Geckil